

# EXHIBIT 18

13 VIDEOTAPED & VIDEOCONFERENCED DEPOSITION of  
14 PACIFIC MSO, LLC's 30(b)(6) designee GINA CIRIMELE - Volume I  
15 November 10, 2020

24 CHERREE P. PETERSON, RPR, CRR, CSR No. 11108  
468276



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1                         UNITED STATES DISTRICT COURT  
2                         NORTHERN DISTRICT OF CALIFORNIA  
3                         SAN FRANCISCO DIVISION  
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IN RE PACIFIC FERTILITY       )  
7 CENTER LITIGATION,             ) Case No. 3:18-cv-01586-JSC  
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13                         VIDEOTAPED & VIDEOCONFERENCED DEPOSITION of  
14 PACIFIC MSO, LLC's 30(b)(6) designee GINA CIRIMELE -  
15 Volume I, taken on behalf of Defendant Chart, Inc.,  
16 remotely beginning at 9:02 a.m., Tuesday, November 10,  
17 2020, before CHERREE P. PETERSON, RPR, CRR, Certified  
18 Shorthand Reporter No. 11108.

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1 A P P E A R A N C E S (Cont.)  
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1 entry "Fill tomorrow when restocked on LN2," did you  
2 investigate the LN2 supply that was in the tank room on  
3 February 8?

4 MR. TARANTINO: Vague.

09:06 5 THE WITNESS: I can't remember specifically if  
6 I was the one to do that, but I generally remember  
7 that's -- we were low on liquid nitrogen. So I wanted  
8 to clarify that we had low nitrogen stock.

9 Q. BY MR. DUFFY: And who determined that you were  
09:07 10 low on the stock supply of LN2 that day?

11 MR. TARANTINO: Foundation. Speculation.

12 THE WITNESS: I can't remember if it was anyone  
13 specific. It could have just been everyone in general.  
14 Typically we fill tanks together. So it was probably  
09:07 15 just communicated with everyone. But again, I can't  
16 remember specifically.

17 Q. BY MR. DUFFY: So let me -- let me just back up  
18 a little bit so I understand how the LN2 supply works.  
19 There's a tank room, obviously, that I've seen through a  
09:07 20 Zoom inspection that was set up for us. And in there  
21 there's 22 psi tanks that are connected to a plumbing  
22 system; is that right?

23 A. Yes.

24 Q. And then those feed the tanks in the IVF lab;  
09:07 25 is that right?

1 A. Yes.

2 Q. And the 22 psi tanks serve Tanks 1 through 6;  
3 is that right?

4 MR. TARANTINO: Vague.

09:07 5 THE WITNESS: Yes.

6 Q. BY MR. DUFFY: Okay. And so when you're  
7 writing the note "Fill tomorrow when restocked on LN2,"  
8 that was a note that went across all of the Tanks 1  
9 through 6; correct?

09:08 10 A. Yes. General stock of tanks.

11 Q. When an LN2 supply runs low is it common for  
12 the pressure to drop as well?

13 MR. TARANTINO: Expert opinion. Vague.

14 THE WITNESS: I'm not too sure. Sometimes if  
09:08 15 we are low we won't use the auto fill function; so we  
16 would manually fill since the auto fill does lose a lot  
17 of nitrogen.

18 Q. BY MR. DUFFY: Was that something that was  
19 being done in the period of February 8 and February 9?

09:08 20 MR. TARANTINO: Speculation.

21 THE WITNESS: I can't recall at this point.

22 Q. BY MR. DUFFY: But if you could help me  
23 understand, if you're running low on liquid nitrogen in  
24 the supply tanks, how would you be able to manually  
09:08 25 fill?

1       A.     So we just use up the rest of the liquid  
2     nitrogen in the tanks, fill it into a bucket rather than  
3     running it through the whole lines. You use a lot of  
4     nitrogen running through the lines. So to try to  
09:09 5     preserve as much as we could, then we possibly could  
6     have been filling with buckets to preserve as much  
7     nitrogen as we could.

8       Q.     Before you made the entry on March 19 that you  
9     would fill tomorrow when restocked on LN2, did you  
09:09 10    discuss that incident in February 8 with folks where the  
11    supply went down?

12           MR. TARANTINO: Assumes facts.

13           THE WITNESS: I can't specifically recall at  
14    this point.

09:09 15    Q.     BY MR. DUFFY: How about general?

16           A.     Possibly. Again, it's too far back to  
17    remember; but I probably did talk to people in the lab  
18    about it.

19           Q.     Do you recall who that might have been?

09:09 20    A.     I can't recall at this point.

21           Q.     Did you speak to Dr. Conaghan about it?

22           A.     Possibly.

23           Q.     Do you have a recollection of your conversation  
24    with Dr. Conaghan about the insufficient supply of  
09:10 25    liquid nitrogen on February 8?

1 MR. TARANTINO: Assumes facts.

2 THE WITNESS: I can't recall specifically.

3 Q. BY MR. DUFFY: How about generally, ma'am?

4 MR. TARANTINO: Same objection.

09:10 5 THE WITNESS: No, I can't recall.

6 Q. BY MR. DUFFY: But it's possible you discussed  
7 this with him?

8 MR. TARANTINO: Asked and answered.

9 THE WITNESS: Again, it's possible.

09:10 10 Q. BY MR. DUFFY: Okay. Was that a common  
11 occurrence in the lab for LN2 supply to run low?

12 MR. TARANTINO: Speculation. Foundation.

13 THE WITNESS: No. Not typically.

14 Q. BY MR. DUFFY: How many times would you  
09:10 15 estimate it would happen in a month?

16 MR. TARANTINO: Foundation.

17 THE WITNESS: Hardly ever. Probably just this  
18 one time. I don't really remember it happening other  
19 times.

09:10 20 Q. BY MR. DUFFY: Well, you do recall this  
21 procedure where you would manually fill buckets, right,  
22 when LN2 supply would run low?

23 A. Yes.

24 Q. How many times would you estimate that would  
09:11 25 happen in a quarter?

1 MR. TARANTINO: Foundation. Speculation.

2 THE WITNESS: I don't know about that. I mean,  
3 it's -- again, it wouldn't be strictly just because we  
4 were low on liquid nitrogen. Sometimes that would just  
09:11 5 be the way we would fill it because we would have an  
6 extra bucket. It's not necessarily because we were low  
7 on liquid nitrogen.

8 Q. BY MR. DUFFY: I guess my question was a little  
9 different. Can you estimate for me how often in a  
09:11 10 quarterly basis the clinic would run low on LN2 supply?

11 MR. TARANTINO: Speculation. Foundation.

12 THE WITNESS: I'm not sure. Very minimal, if  
13 any.

14 Q. BY MR. DUFFY: And then how about on a yearly  
09:11 15 basis, how often would PFC experience a low LN2 supply?

16 MR. TARANTINO: Lacks foundation. Speculation.

17 THE WITNESS: Again, I'm not sure. Same --  
18 same answer. Very minimally, if hardly ever.

19 Q. BY MR. DUFFY: What did you do to prepare for  
09:12 20 your deposition today?

21 A. I reviewed the metadata that was provided to  
22 the deposition and just familiarized myself with more of  
23 this Reflections data.

24 Q. Anything else?

09:12 25 A. No.

1 Q. Did you -- did you meet with your attorneys? I  
2 don't want to know what you discussed. Did you meet  
3 with your attorneys?

4 A. Yes. I did have some deposition prep.

09:12 5 Q. And then did you speak with anybody at PFC  
6 prior to your deposition today?

7 A. No.

8 Q. Did you speak with anybody at PFC about your  
9 deposition?

09:13 10 A. No.

11 Q. In 2018 was there an employee at PFC by the  
12 name of Valerie?

13 A. Yes.

14 Q. And is she still an employee of PFC?

09:13 15 A. Yes.

16 Q. What is her last name?

17 A. Hines.

18 Q. How do you spell that?

19 A. H-i-n-e-s.

09:13 20 Q. And what is her title?

21 A. She is also an embryologist and andrologist.

22 Q. Was she in charge of ordering LN2 for the lab  
23 in 2018?

24 MR. TARANTINO: Foundation.

09:14 25 THE WITNESS: I don't remember specifically.

1 DEPOSITION OFFICER'S CERTIFICATE

2 STATE OF CALIFORNIA )  
3 COUNTY OF CONTRA COSTA ) ss.  
4  
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6 I, CHERREE P. PETERSON, hereby certify:

7 I am a duly qualified Certified Shorthand  
8 Reporter in the State of California, holder of  
9 Certificate Number CSR 11108 issued by the Certified Court  
10 Reporters' Board of California and which is in full  
11 force and effect. (Fed. R. Civ. P. 28(a)(1)).

12 I am authorized to administer oaths or  
13 affirmations pursuant to California Code of Civil  
14 Procedure, Section 2093(b) and prior to being examined,  
15 the witness was first duly sworn by me. (Fed. R. Civ.  
16 P. 28(a)(a)).

17 I am not a relative or employee or attorney or  
18 counsel of any of the parties, nor am I a relative or  
19 employee of such attorney or counsel, nor am I  
20 financially interested in this action. (Fed. R. Civ. P.  
21 28).

22 I am the deposition officer that  
23 stenographically recorded the testimony in the foregoing  
24 deposition and the foregoing transcript is a true record

25 / / /

1 of the testimony given by the witness. (Fed. R. Civ. P.  
2 30(f)(1)).

3 Before completion of the deposition, review of  
4 the transcript [xx] was [ ] was not requested. If  
5 requested, any changes made by the deponent (and  
6 provided to the reporter) during the period allowed, are  
7 appended hereto. (Fed. R. Civ. P. 30(e)).

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9 Dated: November 11, 2020



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